

AMENDED IN SENATE APRIL 3, 2006

SENATE BILL

No. 1638

Introduced by Senator Figueroa
(Coauthor: Assembly Member Laird)

February 24, 2006

An act to ~~amend Section 2507 of~~ *add Sections 2509 and 2516* to the Business and Professions Code, relating to midwives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1638, as amended, Figueroa. Midwives: ~~supervision—advisory council: annual report.~~

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. A violation of the act is a crime.

This bill would provide for the creation of a Midwifery Advisory Council, as specified. The bill would also require each licensed midwife who assists, or supervises a person acting under his or her orders in assisting, in a normal childbirth to annually report to the Office of Statewide Health Planning and Development certain information regarding his or her practice for the previous year. The bill would require the office to report the aggregate information to the board, and would require the board to report that information to the Legislature in its annual report. The bill would provide that a violation of these requirements is not a crime.

~~Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing of midwives by the board of Licensing of the Medical Board of California. The act requires a licensed midwife to be supervised by a licensed physician and surgeon, but provides~~

~~that the physical presence of the supervising physician and surgeon is not required. A violation of the act is a misdemeanor.~~

~~This bill would allow a client to refuse the supervision of a physician and surgeon if the refusal is informed and is on a written form prescribed by the board.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2509 is added to the Business and*
2 *Professions Code, to read:*

3 *2509. The board shall create and appoint a Midwifery*
4 *Advisory Council consisting of licensees of the board in good*
5 *standing, who need not be members of the board, and members*
6 *of the public who have an interest in, or knowledge of, midwifery*
7 *practice, including, but not limited to, home births. The council*
8 *shall make recommendations on matters specified by the board.*

9 *SEC. 2. Section 2516 is added to the Business and*
10 *Professions Code, to read:*

11 *2516. (a) Each licensed midwife who assists, or supervises a*
12 *person acting under the midwife's orders to assist, in normal*
13 *childbirth shall annually report to the Office of Statewide Health*
14 *Planning and Development. The report shall be submitted in*
15 *March, for the prior calendar year, shall be in writing, and shall*
16 *contain all of the following:*

17 *(1) The midwife's name and license number.*

18 *(2) The calendar year being reported.*

19 *(3) The following information with regard to cases in which*
20 *the midwife, or someone supervised by the midwife, assisted in*
21 *the previous year:*

22 *(A) The total number of clients served as primary care giver.*

23 *(B) The total number of clients served with collaborative care*
24 *by, or backup from, a physician and surgeon.*

25 *(C) The number and county of live births attended as primary*
26 *care giver.*

27 *(D) The number and county of stillbirths attended as primary*
28 *care giver.*

1 (E) The number of women whose primary care was
2 transferred to another health care practitioner during the
3 antepartum period, and the reason for each transfer.

4 (F) The number, reason, and outcome for each elective
5 hospital transfer.

6 (G) The number, reason, and outcome for each urgent or
7 emergency transport of an expectant mother prior to labor.

8 (H) The number, reason, and outcome for each urgent or
9 emergency transport of an infant or mother during or after labor
10 or birth.

11 (I) A brief description of any complications resulting in the
12 mortality of a mother or an infant.

13 (J) The number of student supervised births.

14 (K) Any other information prescribed by the board in
15 regulations.

16 (b) The information required by this section shall be
17 confidential.

18 (c) The office shall verify that all licensed midwives have met
19 the requirements of subdivision (a). The office shall report to the
20 board, by April, those licensees who have not met the
21 requirements of subdivision (a) for that year.

22 (d) The board shall send a written notice of non-compliance to
23 each licensee who fails to meet the reporting requirement of
24 subdivision (a). The board shall not take any other action against
25 the licensee for failure to comply with subdivision (a).

26 (e) The office shall report the aggregate information collected
27 pursuant to this section to the board by July of each year. The
28 board shall include this information in its annual report to the
29 Legislature.

30 (f) Notwithstanding any other provision of law, a violation of
31 this section shall not be a crime.

32 ~~SECTION 1. Section 2507 of the Business and Professions~~
33 ~~Code is amended to read:~~

34 ~~2507. (a) The license to practice midwifery authorizes the~~
35 ~~holder, under the supervision of a licensed physician and~~
36 ~~surgeon, to attend cases of normal childbirth and to provide~~
37 ~~prenatal, intrapartum, and postpartum care, including~~
38 ~~family-planning care, for the mother, and immediate care for the~~
39 ~~newborn.~~

~~(b) As used in this article, the practice of midwifery constitutes the furthering or undertaking by any licensed midwife, under the supervision of a licensed physician and surgeon who has current practice or training in obstetrics, to assist a woman in childbirth so long as progress meets criteria accepted as normal. All complications shall be referred to a physician and surgeon immediately. The practice of midwifery does not include the assisting of childbirth by any artificial, forcible, or mechanical means, nor the performance of any version.~~

~~(c) As used in this article, the term “supervision” shall not be construed to do either of the following:~~

~~(1) Require the physical presence of the supervising physician and surgeon.~~

~~(2) Prohibit a client from making a written informed refusal of physician and surgeon supervision of the client’s case, provided that the refusal is made on a form prescribed by the division.~~

~~(d) The ratio of licensed midwives to supervising physicians and surgeons shall not be greater than four individual licensed midwives to one individual supervising physician and surgeon.~~

~~(e) A midwife is not authorized to practice medicine and surgery by this article.~~

~~(f) The board shall, not later than July 1, 2003, adopt in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), regulations defining the appropriate standard of care and level of supervision required for the practice of midwifery.~~